



FISCAL MEMORANDUM

SB 1792 - HB 1855

April 6, 2022

SUMMARY OF BILL AS AMENDED (017124): Expands the definition of sexual abuse of a child to include trafficking for a commercial sex act, if the victim is a minor, and promoting prostitution, if the victim is a minor. Revises the penalties for continuous sexual abuse of a child to clarify that an offense involving three or more violations of aggravated rape, rape, aggravated sexual battery, rape of a child, solicitation of sexual abuse of a minor, aggravated rape of a child, trafficking for a commercial sex act if the victim is a minor, or promoting prostitution if the victim is a minor is a Class A felony; an offense involving two violations of such offenses is a Class B felony; and an offense involving one or no violations of such offenses is a Class C felony.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based upon information provided by the Department of Correction (DOC), there has been an average of 0.10 admissions in each of the last 10 years for the Class A felony offense under Tenn. Code Ann. § 39-13-309 for trafficking for a commercial sex act where the victim is a child under 15 years of age, with an estimated average sentence length of 15 years.
- Pursuant to Tenn. Code Ann. § 39-13-515(c)(1), promoting prostitution is punishable as trafficking for a commercial sex act if the person being promoted is less than 18 years of age.
- Due to the low number of admissions, expanding the definition of sexual abuse of a child to include trafficking for a commercial sex act or promoting prostitution, if the victim is a minor, will not significantly impact incarceration costs.
- The proposed legislation revises the penalties for the offense of continuous sexual abuse of a child. Continuous sexual abuse of a child offense is punishable as a Class A, Class B, or Class C felony, depending on specific circumstances of the offense.
- Based upon information provided by the DOC, there has been an average of .80 admissions in each of the last 10 years for the Class A felony offense under Tenn. Code Ann. § 39-13-518 for continuous sexual abuse of a child, with an estimated average sentence length of 24.75 years. There have been no Class B or Class C admissions.

- Due to the low number of admissions, the proposed legislation will not significantly impact incarceration costs. Any increase in state or local expenditures will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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